

**Senate File 2379 - Introduced**

SENATE FILE 2379

BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SSB 3151)

**A BILL FOR**

1 An Act relating to property law, including mobile homes and  
2 manufactured housing, rental agreements, landlord and  
3 tenant remedies for retaliation, wrongful failure to provide  
4 essential services, rent increases, the sale of manufactured  
5 home community or mobile home park, the repeal of the  
6 manufactured home community and mobile home tax, forcible  
7 entry and detainer actions, abandoned mobile homes, and  
8 including effective date and applicability provisions.  
9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

RETALIATION

Section 1. Section 562B.32, subsection 1, paragraph d, Code 2022, is amended to read as follows:

d. For exercising any of the rights and remedies pursuant to this chapter or chapter 216.

Sec. 2. Section 562B.32, subsection 2, Code 2022, is amended to read as follows:

2. If the landlord acts in violation of subsection 1 of this section, the tenant is entitled to the remedies provided in section 562B.24 and has a defense in an action for possession. In an action by or against the tenant, evidence of a complaint within ~~six months~~ one year prior to the alleged act of retaliation creates a presumption that the landlord's conduct was in retaliation. The presumption does not arise if the tenant made the complaint after notice of termination of the rental agreement. For the purpose of this subsection, "presumption" means that the trier of fact must find the existence of the fact presumed unless and until evidence is introduced which would support a finding of its nonexistence.

DIVISION II

RENTAL AGREEMENTS

Sec. 3. Section 562B.7, subsection 10, Code 2022, is amended to read as follows:

10. "Rent" means a payment to be made to the landlord under the rental agreement, including base rent, utilities, late fees, and other payments made by the tenant to the landlord under the rental agreement.

Sec. 4. Section 562B.10, subsection 5, Code 2022, is amended to read as follows:

5. Rental agreements shall be for a term of one year unless otherwise specified in the rental agreement. Rental agreements shall be canceled by at least ~~sixty~~ ninety days' written notice given by either party. A landlord shall not cancel a rental agreement solely for the purpose of making the tenant's mobile

1 home space available for another mobile home.

2 Sec. 5. Section 562B.14, subsection 7, Code 2022, is amended  
3 to read as follows:

4 7. Each tenant shall be notified, in writing, of any rent  
5 increase at least ~~sixty~~ ninety days before the effective date.  
6 Such effective date shall not be sooner than the expiration  
7 date of the original rental agreement or any renewal or  
8 extension thereof.

9 Sec. 6. EFFECTIVE DATE. This division of this Act, being  
10 deemed of immediate importance, takes effect upon enactment.

11 Sec. 7. APPLICABILITY. This division of this Act applies to  
12 rent increases first noticed under chapter 562B occurring on or  
13 after the effective date of this division of this Act.

14 DIVISION III

15 DISCLOSURE OF UTILITY CHARGES

16 Sec. 8. Section 562B.14, subsection 6, Code 2022, is amended  
17 to read as follows:

18 6. a. The landlord or any person authorized to enter into  
19 a rental agreement on the landlord's behalf shall provide a  
20 written explanation of utility rates, charges and services to  
21 the prospective tenant before the rental agreement is signed  
22 unless the utility charges are paid by the tenant directly to  
23 the utility company.

24 b. Tenants shall be notified of any increase in utility  
25 rates or charges in the manner set forth in subsection 7 for  
26 rent increases, unless the landlord does not receive at least  
27 ninety days' prior notice of such increase from the utility  
28 provider, in which case no prior notice of the increase from  
29 the landlord to the tenant is required for the increase to be  
30 effective.

31 c. Nothing in this chapter shall authorize a landlord to  
32 meter a premises contrary to applicable law, rule, or tariff,  
33 or assess a utility charge to a tenant contrary to applicable  
34 law, rule, or tariff.

35 DIVISION IV

1           WRONGFUL FAILURE TO PROVIDE ESSENTIAL SERVICES

2       Sec. 9. NEW SECTION. 562B.23A Wrongful failure to supply  
3 running water or essential services.

4       1. If contrary to the rental agreement or section 562B.16  
5 the landlord deliberately or negligently fails to supply  
6 running water or other essential services, the tenant may give  
7 written notice to the landlord specifying the breach and may  
8 do one of the following:

9       a. Procure reasonable amounts of water or other essential  
10 services during the period of the landlord's noncompliance and  
11 deduct the actual and reasonable cost from the rent.

12       b. Recover damages based upon the diminution in the fair  
13 market value of the mobile home space.

14       c. Recover any rent already paid for the period of the  
15 landlord's noncompliance which shall be reimbursed on a pro  
16 rata basis.

17       2. If the tenant proceeds under this section, the tenant may  
18 not proceed under section 562B.22 as to that breach.

19       3. The rights under this section do not arise until the  
20 tenant has given notice to the landlord or if the condition was  
21 caused by the deliberate or negligent act or omission of the  
22 tenant, a member of the tenant's family, or other person on the  
23 premises with the consent of the tenant.

24       Sec. 10. EFFECTIVE DATE. This division of this Act, being  
25 deemed of immediate importance, takes effect upon enactment.

26                               DIVISION V

27                               DENIAL OF RENTAL OR REFUSAL OF SALE

28       Sec. 11. Section 562B.19, subsection 3, paragraph c, Code  
29 2022, is amended to read as follows:

30       c. Deny any resident of a manufactured home community  
31 or mobile home park the right to sell that person's mobile  
32 home at a price of the person's own choosing, but may reserve  
33 the right to approve the purchaser of such mobile home as a  
34 tenant but such permission may not be unreasonably withheld,  
35 provided however, that the landlord may, in the event of a

1 sale to a third party, in order to upgrade the quality of  
 2 the manufactured home community or mobile home park, require  
 3 that any mobile home in a rundown condition or in disrepair be  
 4 removed from the manufactured home community or park within  
 5 sixty days. If the landlord does not approve the purchaser as  
 6 a tenant, the landlord shall provide the purchaser with written  
 7 notice of such denial and the general reason for the denial,  
 8 but the landlord shall not be required to provide a specific  
 9 reason for the denial.

10 DIVISION VI

11 PROHIBITED RENTAL AGREEMENT PROVISION — HOME EQUIPMENT

12 Sec. 12. Section 562B.11, subsection 1, Code 2022, is  
 13 amended by adding the following new paragraph:

14 NEW PARAGRAPH. e. Agrees to modify the mobile home,  
 15 manufactured home, or modular home in a way that would  
 16 substantially impair the ability of the tenant to move the  
 17 home from the mobile home space, unless such modification is  
 18 required by federal law, including but not limited to the  
 19 model manufactured home installation standards, 24 C.F.R. pt.  
 20 3285, the manufactured home construction and safety standards,  
 21 24 C.F.R. pt. 3280, or the manufactured home procedural and  
 22 enforcement regulations, 24 C.F.R. pt. 3282, or by state or  
 23 local law, the manufacturer's installation instructions, any  
 24 requirement arising from the landlord's financing of the home  
 25 or of the mobile home park or manufactured home community in  
 26 which the home is located, or unless such modification is  
 27 otherwise necessary for the safe and proper installation of the  
 28 home.

29 DIVISION VII

30 LANDLORD SALES

31 Sec. 13. NEW SECTION. **562B.17A Sale of mobile home by**  
 32 **landlord.**

33 1. Any sale of a mobile home located in a manufactured home  
 34 community or mobile home park by a landlord or landlord's agent  
 35 shall be by written agreement and the landlord shall, upon the

1 buyer's fulfillment of all payment and other terms under the  
2 agreement, produce and assign the current certificate of title  
3 obtained from the department of transportation. The agreement  
4 shall state the basic terms of sale, including the total  
5 cost of the mobile home, and, in the case of an installment  
6 contract, finance charges, annual percentage rate, and the  
7 frequency and amount of each installment payment.

8 2. If such sale does not comply with this section, the  
9 court may award monetary or equitable relief, including voiding  
10 the sale, and the buyer may recover damages incurred, amounts  
11 paid as a rental deposit in excess of two months' rent, and  
12 reasonable attorney fees.

13 3. A claim under subsection 2 may be combined with an action  
14 under chapter 648.

15 Sec. 14. Section 648.19, subsection 1, Code 2022, is amended  
16 to read as follows:

17 1. An action under [this chapter](#) shall not be filed in  
18 connection with any other action, with the exception of a claim  
19 for rent or recovery as provided in [section 555B.3](#), [562A.24](#),  
20 [562A.32](#), [562B.17A](#), [562B.22](#), [562B.25](#), or [562B.27](#), nor shall it  
21 be made the subject of counterclaim.

22 DIVISION VIII

23 SALE OF MANUFACTURED HOME COMMUNITY OR MOBILE HOME PARK

24 Sec. 15. NEW SECTION. **562B.16A Sale of manufactured home**  
25 **community or mobile home park — notices.**

26 Upon termination of the landlord's interest in the  
27 manufactured home community or mobile home park, the landlord's  
28 successor in interest shall have the same legal obligations,  
29 rights, and remedies of the landlord, including with respect to  
30 all rental agreements.

31 Sec. 16. **APPLICABILITY.** This division of this Act applies  
32 to manufactured home community or mobile home park sale  
33 transactions made on or after the effective date of this  
34 division of this Act.

35 DIVISION IX

MANUFACTURED HOME AND MOBILE HOME TAX

Sec. 17. Section 29C.24, subsection 3, paragraph a, subparagraph (6), Code 2022, is amended to read as follows:

(6) The assessment of property taxes by the department of revenue under sections 428.24 through 428.26, 428.28, and 428.29, or chapters 433, 434, ~~435~~, and 437 through 438, or by a local assessor under another provision of law, on property brought into the state to aid in the performance of disaster or emergency-related work during a disaster response period if such property does not remain in the state after the conclusion of the disaster response period.

Sec. 18. Section 321.24, subsection 1, Code 2022, is amended to read as follows:

1. Upon receipt of the application for title and payment of the required fees for a motor vehicle, trailer, or semitrailer, the county treasurer or the department shall, when satisfied as to the application's genuineness and regularity, and, in the case of a mobile home or manufactured home, that taxes are not owing under chapter 423 or ~~435~~, issue a certificate of title and, except for a mobile home or manufactured home, a registration receipt, and shall file the application, the manufacturer's or importer's certificate, the certificate of title, or other evidence of ownership, as prescribed by the department. The registration receipt shall be delivered to the owner and shall contain upon its face the date issued, the name and address of the owner, the registration number assigned to the vehicle, the amount of the fee paid, the type of fuel used, a description of the vehicle as determined by the department, and a form for notice of transfer of the vehicle. The name and address of any lessee of the vehicle shall not be printed on the registration receipt or certificate of title. Up to three owners may be listed on the registration receipt and certificate of title.

Sec. 19. Section 321.30, subsection 1, paragraph j, Code 2022, is amended by striking the paragraph.

1     Sec. 20. Section 321.46, subsection 2, Code 2022, is amended  
2 to read as follows:

3     2. Upon filing the application for a new registration and  
4 a new title, the applicant shall pay a title fee of twenty  
5 dollars, an annual registration fee prorated for the remaining  
6 unexpired months of the registration year, and a fee for new  
7 registration if applicable. A manufacturer applying for a  
8 certificate of title pursuant to [section 322G.12](#) shall pay a  
9 title fee of ten dollars. However, a title fee shall not be  
10 charged to a manufactured or mobile home retailer applying for  
11 a certificate of title for a used mobile home or manufactured  
12 home, titled in Iowa, as required under section 321.45,  
13 subsection 4. The county treasurer, if satisfied of the  
14 genuineness and regularity of the application, ~~and in the case~~  
15 ~~of a mobile home or manufactured home, that taxes are not owing~~  
16 ~~under [chapter 435](#)~~, and that the applicant has complied with all  
17 the requirements of [this chapter](#), shall issue a new certificate  
18 of title and, except for a mobile home, manufactured home,  
19 or a vehicle returned to and accepted by a manufacturer as  
20 described in [section 322G.12](#), a registration card to the  
21 purchaser or transferee, shall cancel the prior registration  
22 for the vehicle, and shall forward the necessary copies to the  
23 department on the date of issuance, as prescribed in section  
24 321.24. Mobile homes or manufactured homes titled under  
25 chapter 448 that have been subject under [section 446.18](#) to a  
26 public bidder sale in a county shall be titled in the county's  
27 name, with no fee, and the county treasurer shall issue the  
28 title.

29     Sec. 21. Section 321.101, subsection 2, Code 2022, is  
30 amended to read as follows:

31     2. The department shall cancel a certificate of title that  
32 appears to have been improperly issued or fraudulently obtained  
33 ~~or, in the case of a mobile home or manufactured home, if taxes~~  
34 ~~were owing under [chapter 435](#) at the time the certificate was~~  
35 ~~issued and have not been paid. However, before the certificate~~



1 ~~to a mobile home or manufactured home for which taxes were~~  
2 ~~owing can be canceled, notice and opportunity to pay the taxes~~  
3 ~~must be given to the person to whom the certificate was issued.~~  
4 ~~Upon cancellation of a certificate of title, the department~~  
5 ~~shall notify the county treasurer who issued it, who shall~~  
6 ~~enter the cancellation upon the records. The department shall~~  
7 also notify the person to whom the certificate of title was  
8 issued, as well as each lienholder who has a perfected lien,  
9 of the cancellation and shall demand the surrender of the  
10 certificate of title, but the cancellation shall not affect the  
11 validity of any perfected lien.

12 Sec. 22. Section 321.123, subsection 2, paragraph b, Code  
13 2022, is amended to read as follows:

14 b. A travel trailer may be stored under [section 321.134](#),  
15 provided the travel trailer is not used for human habitation  
16 for any period during storage and is not moved upon the  
17 highways of the state. ~~A travel trailer stored under section~~  
18 ~~321.134 is not subject to a manufactured or mobile home tax~~  
19 ~~assessed under [chapter 435](#).~~

20 Sec. 23. Section 331.429, subsection 1, paragraphs a and b,  
21 Code 2022, are amended to read as follows:

22 a. Transfers from the general fund not to exceed in any year  
23 the dollar equivalent of a tax of sixteen and seven-eighths  
24 cents per thousand dollars of assessed value on all taxable  
25 property in the county multiplied by the ratio of current  
26 taxes actually collected and apportioned for the general basic  
27 levy to the total general basic levy for the current year,  
28 and an amount equivalent to the moneys derived by the general  
29 fund from military service tax credits under [chapter 426A](#),  
30 ~~manufactured or mobile home taxes under [section 435.22](#),~~ and  
31 delinquent taxes for prior years collected and apportioned to  
32 the general basic fund in the current year, multiplied by the  
33 ratio of sixteen and seven-eighths cents to three dollars and  
34 fifty cents. The limit on transfers in this paragraph applies  
35 only to property tax revenue and is not a limit on transfers of

1 revenue generated from sources other than property taxes.  
 2     **b.** Transfers from the rural services fund not to exceed  
 3 in any year the dollar equivalent of a tax of three dollars  
 4 and three-eighths cents per thousand dollars of assessed value  
 5 on all taxable property not located within the corporate  
 6 limits of a city in the county multiplied by the ratio of  
 7 current taxes actually collected and apportioned for the rural  
 8 services basic levy to the total rural services basic levy  
 9 for the current year and an amount equivalent to the moneys  
 10 derived by the rural services fund from military service tax  
 11 credits under [chapter 426A](#), ~~manufactured or mobile home taxes~~  
 12 ~~under [section 435.22](#)~~, and delinquent taxes for prior years  
 13 collected and apportioned to the rural services basic fund in  
 14 the current year, multiplied by the ratio of three dollars and  
 15 three-eighths cents to three dollars and ninety-five cents.  
 16 The limit on transfers in this paragraph applies only to  
 17 property tax revenue and is not a limit on transfers of revenue  
 18 generated from sources other than property taxes.

19     Sec. 24. Section 331.559, subsection 1, Code 2022, is  
 20 amended by striking the subsection.

21     Sec. 25. Section 331.653, subsection 17, Code 2022, is  
 22 amended by striking the subsection.

23     Sec. 26. Section 335.30A, subsection 2, Code 2022, is  
 24 amended to read as follows:

25     2. "*Land-leased community*" means any site, lot, field,  
 26 or tract of land under common ownership upon which ten or  
 27 more occupied manufactured homes are harbored, either free of  
 28 charge or for revenue purposes, and shall include any building,  
 29 structure, or enclosure used or intended for use as part of the  
 30 equipment of the land-leased community. The term "*land-leased*  
 31 *community*" shall not be construed to include homes, buildings,  
 32 or other structures temporarily maintained by any individual,  
 33 educational institution, or company on their own premises and  
 34 used exclusively to house their own labor or students. A  
 35 ~~manufactured home located in a land-leased community shall be~~

1 ~~taxed under section 435.22 as if the manufactured home were~~  
2 ~~located in a mobile home park.~~

3 Sec. 27. Section 414.28A, subsection 3, Code 2022, is  
4 amended by striking the subsection.

5 Sec. 28. Section 427A.1, subsection 1, paragraph c, Code  
6 2022, is amended to read as follows:

7 c. Buildings, structures, or improvements, any of which are  
8 constructed on or in the land, attached to the land, or placed  
9 upon a foundation whether or not attached to the foundation.  
10 However, ~~property taxed under chapter 435,~~ property that is a  
11 concrete batch plant as that term is defined in subsection 4,  
12 and to the extent provided in subsection 7, property that is  
13 transmission property shall not be assessed and taxed as real  
14 property.

15 Sec. 29. Section 435.2, Code 2022, is amended to read as  
16 follows:

17 **435.2 Placement and taxation.**

18 1. If a mobile home is placed outside a mobile home park  
19 or manufactured home community, the home is to be assessed and  
20 taxed as real estate. If and while a mobile home is placed  
21 inside a mobile home park or manufactured home community, the  
22 home, as well as any and all garages, accessory buildings, and  
23 appurtenances to the home, are exempt from property tax.

24 2. If a manufactured home is placed in a manufactured home  
25 community or a mobile home park, the home must be titled, and  
26 ~~is subject to the manufactured or mobile home square foot tax~~  
27 the home, as well as any and all garages, accessory buildings,  
28 and appurtenances to the home, are exempt from property tax.  
29 If a manufactured home is placed outside a manufactured home  
30 community or a mobile home park, the home must be titled and is  
31 to be assessed and taxed as real estate.

32 3. For the purposes of **this chapter**, a modular home shall  
33 not be construed to be a mobile home or manufactured home. If  
34 a modular home is placed ~~inside or~~ outside a manufactured home  
35 community or a mobile home park, the home shall be considered

1 real property and is to be assessed and taxed as real estate.  
2 ~~However, if~~ If a modular home is placed in a manufactured home  
3 community or mobile home park ~~which was in existence on or~~  
4 ~~before January 1, 1998,~~ that modular home, as well as any and  
5 all garages, accessory buildings, and appurtenances to the  
6 home, shall be ~~subject to property tax pursuant to section~~  
7 435.22 exempt from property tax. ~~This subsection shall not~~  
8 ~~prohibit the location of a modular home within a manufactured~~  
9 ~~home community or mobile home park.~~

10 Sec. 30. Section 435.23, Code 2022, is amended to read as  
11 follows:

12 **435.23 Exemptions — ~~prorating tax.~~**

13 ~~1.~~ The manufacturer's and retailer's inventory of mobile  
14 homes, manufactured homes, or modular homes not in use as a  
15 place of human habitation shall be exempt from ~~the annual~~  
16 property tax and any personal property tax. ~~All travel~~  
17 ~~trailers, fifth-wheel travel trailers, and towable recreational~~  
18 ~~vehicles shall be exempt from this tax. The homes, travel~~  
19 ~~trailers, fifth-wheel travel trailers, and towable recreational~~  
20 ~~vehicles in the inventory of manufacturers and retailers shall~~  
21 ~~be exempt from personal property tax.~~

22 ~~2.~~ ~~The homes coming into Iowa from out of state and located~~  
23 ~~in a manufactured home community or mobile home park shall~~  
24 ~~be liable for the tax computed pro rata to the nearest whole~~  
25 ~~month, for the time the home is actually situated in Iowa.~~

26 Sec. 31. Section 435.24, Code 2022, is amended by striking  
27 the section and inserting in lieu thereof the following:

28 **435.24 Location of homes and reporting.**

29 1. Upon issuance of a certificate of title or upon  
30 transporting the home to a new site or to a location outside  
31 of a manufactured home community or mobile home park, the home  
32 owner shall file the address, township, and school district  
33 of the location where the home is parked with the county  
34 assessor's office. Failure to comply is punishable as set out  
35 in section 435.18.

1     2. Each manufactured home community or mobile home park  
 2 owner or manager shall notify monthly the county assessor  
 3 concerning any home arriving in or departing from the  
 4 manufactured home community or mobile home park. The records  
 5 of the community or park owner shall be open to inspection by a  
 6 duly authorized representative of any law enforcement agency.  
 7 The manufactured home community or mobile home park owner or  
 8 manager shall make an annual report to the county assessor due  
 9 June 1 of the homes sited in the manufactured home community or  
 10 mobile home park, listing the owner and mailing address of each  
 11 home located in the manufactured home community or mobile home  
 12 park. The report is delinquent if not filed with the county  
 13 assessor by June 30.

14     Sec. 32. Section 435.26A, subsection 3, Code 2022, is  
 15 amended to read as follows:

16     3. After the surrender of a manufactured home's certificate  
 17 of title under [this section](#), the manufactured home shall  
 18 ~~continue to be taxed under [section 435.22](#)~~ and is not eligible  
 19 for the homestead tax credit or the military service tax  
 20 exemption. A foreclosure action on a manufactured home  
 21 whose title has been surrendered under [this section](#) shall be  
 22 conducted as a real estate foreclosure. A tax lien and its  
 23 priority shall remain the same on a manufactured home after its  
 24 certificate of title has been surrendered.

25     Sec. 33. Section 435.27, subsections 1 and 3, Code 2022, are  
 26 amended to read as follows:

27     1. A mobile home or manufactured home converted to real  
 28 estate under [section 435.26](#) may be reconverted to a home as  
 29 provided in [this section](#) when it is moved to a manufactured  
 30 home community or mobile home park or a manufactured or mobile  
 31 home retailer's inventory. When the home is located within  
 32 a manufactured home community or mobile home park, the home,  
 33 as well as any and all garages, accessory buildings, and  
 34 appurtenances to the home, shall be ~~taxed pursuant to [section](#)~~  
 35 ~~435.22, subsection 1, paragraph "a"~~ exempt from property tax as

1 provided in this chapter.

2 3. After compliance with [subsection 2](#) and receipt of the  
3 title, the owner shall notify the assessor of the reconversion.  
4 The assessor shall remove the assessed valuation of the home  
5 from assessment rolls as of the succeeding January 1 when the  
6 home ~~becomes subject to taxation as provided under section~~  
7 ~~435.24,~~ as well as any and all garages, accessory buildings,  
8 and appurtenances to the home, become exempt from property tax  
9 as provided in this chapter.

10 Sec. 34. Section 435.33, Code 2022, is amended to read as  
11 follows:

12 **435.33 Rent reimbursement.**

13 A home owner who qualifies for ~~a reduced tax rate provided~~  
14 ~~in [section 435.22](#)~~ the exemption under this chapter and who  
15 rents a space upon which to set the home shall be entitled to  
16 the protections provided in [sections 425.33 through 425.36](#)  
17 and if the home owner who qualifies for ~~a reduced tax rate~~  
18 the exemption believes that a landlord has increased the home  
19 owner's rent because the home owner is eligible for ~~a reduced~~  
20 ~~tax rate~~ the exemption, the provisions of [sections 425.33](#) and  
21 [425.36](#) shall be applicable.

22 Sec. 35. Section 445.1, subsection 8, Code 2022, is amended  
23 to read as follows:

24 8. "*Taxes*" means an annual ad valorem tax, a special  
25 assessment, a drainage tax, and a rate or charge, ~~and taxes~~  
26 ~~on homes pursuant to [chapter 435](#)~~ which are collectible by the  
27 county treasurer.

28 Sec. 36. Section 445.5, subsection 6, Code 2022, is amended  
29 to read as follows:

30 6. The county treasurer shall deliver to the taxpayer a  
31 receipt stating the year of tax, date of payment, a description  
32 of the parcel, and the amount of taxes, interest, fees, and  
33 costs paid when payment is made by cash tender. A receipt  
34 for other payment tender types shall only be delivered upon  
35 request. The receipt shall be in full for the first half,

1 second half, or full year amounts unless a payment is made  
2 under [section 445.36A](#) ~~or [435.24, subsection 6](#)~~.

3 Sec. 37. Section 445.57, subsection 1, Code 2022, is amended  
4 to read as follows:

5 1. On or before the tenth day of each month, the county  
6 treasurer shall apportion all taxes collected during the  
7 preceding month, except partial payment amounts collected  
8 pursuant to [section 445.36A, subsection 1](#), partial payments  
9 collected and not yet designated by the county treasurer  
10 for apportionment pursuant to [section 445.36A, subsection](#)  
11 ~~2, partial payments collected pursuant to [section 435.24,](#)~~  
12 ~~subsection 6, paragraph "a", and partial payments collected and~~  
13 ~~not yet designated by the county treasurer for apportionment~~  
14 ~~pursuant to [section 435.24, subsection 6,](#) paragraph "b", among~~  
15 the several funds to which they belong according to the amount  
16 levied for each fund, and shall apportion the interest, fees,  
17 and costs on the taxes to the general fund, and shall enter  
18 those amounts upon the treasurer's cash account, and report the  
19 amounts to the county auditor.

20 Sec. 38. Section 555B.2, subsection 1, Code 2022, is amended  
21 to read as follows:

22 1. A real property owner may remove or cause to be removed  
23 a mobile home and other personal property which is unlawfully  
24 parked, placed, or abandoned on that real property, and may  
25 cause the mobile home and personal property to be placed in  
26 storage until the owner of the personal property pays a fair  
27 and reasonable charge for removal, storage, or other expense  
28 incurred, including reasonable attorney fees, or until a  
29 judgment of abandonment is entered pursuant to [section 555B.8](#)  
30 provided that there is no lien on the mobile home or personal  
31 property ~~other than a tax lien pursuant to [chapter 435](#)~~. For  
32 purposes of [this chapter](#), a lien other than a tax lien exists  
33 only if the real property owner receives notice of a lien  
34 on the standardized registration form completed by a tenant  
35 pursuant to [section 562B.27, subsection 3](#), or a lien has been

1 filed in state or county records on a date before the mobile  
2 home is considered to be abandoned. The real property owner  
3 or the real property owner's agent is not liable for damages  
4 caused to the mobile home and personal property by the removal  
5 or storage unless the damage is caused willfully or by gross  
6 negligence.

7 Sec. 39. Section 555C.1, subsection 5, paragraph b, Code  
8 2022, is amended to read as follows:

9 b. A lien of record, ~~other than a tax lien as provided in~~  
10 ~~chapter 435~~, does not exist against the home. A lien exists  
11 only if the real property owner receives notice of a lien on  
12 the standardized registration form completed by an owner or  
13 occupant pursuant to [chapter 562B](#), or a lien has been filed  
14 in the state or county records on a date before the home is  
15 considered to be valueless.

16 Sec. 40. Section 555C.3, Code 2022, is amended to read as  
17 follows:

18 **555C.3 New title — third party.**

19 If a new title to a valueless home is to be issued to a  
20 third party, the county treasurer shall issue a new title, upon  
21 receipt of the affidavit required in [section 555C.2](#) and payment  
22 of a fee pursuant to [section 321.47](#). ~~Any tax lien levied~~  
23 ~~pursuant to chapter 435 is canceled and the~~ The ownership  
24 interest of the previous owner or occupant of the valueless  
25 home is terminated as of the date of issuance of the new title.  
26 The new title owner shall take the title free of all rights and  
27 interests even though the manufactured home community or mobile  
28 home park owner fails to comply with the requirements of this  
29 chapter or any judicial proceedings, if the new title owner  
30 acts in good faith.

31 Sec. 41. REPEAL. Sections 435.22, 435.25, and 435.29, Code  
32 2022, are repealed.

33 Sec. 42. SAVINGS PROVISION. This division of this Act,  
34 pursuant to section 4.13, does not affect the operation of,  
35 or prohibit the application of, prior provisions of chapter



1 435, or rules adopted under chapter 17A to administer prior  
2 provisions of chapter 435, for taxes due and payable under  
3 chapter 435 in fiscal years beginning before July 1, 2022, and  
4 for duties, powers, protests, appeals, proceedings, actions, or  
5 remedies attributable to taxes due and payable under chapter  
6 435 in fiscal years beginning before July 1, 2022.

7 Sec. 43. APPLICABILITY. This division of this Act applies  
8 to taxes due and payable under chapter 435 in fiscal years  
9 beginning on or after July 1, 2022.

10

DIVISION X

11

FORCIBLE ENTRY AND DETAINER

12 Sec. 44. Section 648.5, subsections 1 and 3, Code 2022, are  
13 amended to read as follows:

14 1. a. An action for forcible entry and detainer shall  
15 be brought in a county where all or part of the premises is  
16 located. Such an action shall be tried as an equitable action.  
17 Upon receipt of the petition, the court shall set a date, time,  
18 and place for hearing. The court shall set the date of hearing  
19 no later than eight days from the filing date, except that the  
20 court shall set a later hearing date no later than fifteen days  
21 from the date of filing if the plaintiff requests or consents  
22 to the later date of hearing.

23 b. The requirement regarding the setting of the initial  
24 hearing in paragraph "a" is not a jurisdictional requirement and  
25 does not affect the court's subject matter jurisdiction to hear  
26 the action for forcible entry and detainer.

27 3. Service of original notice by mail is deemed completed  
28 four days after the notice is deposited in the mail and  
29 postmarked for delivery, whether or not the recipient signs a  
30 receipt for the original notice. In computing the time for  
31 completion of service, the first day shall be excluded and the  
32 final day shall be included regardless of whether the fourth  
33 day is a Saturday, Sunday, or federal holiday.

34 Sec. 45. Section 648.18, Code 2022, is amended to read as  
35 follows:

1     **648.18 Possession — bar.**

2     1. Thirty Except for actions governed by subsection 2,  
3 thirty days' peaceable possession with the knowledge of the  
4 plaintiff after the cause of action accrues is a bar to this  
5 proceeding.

6     2. For an action based upon the nonpayment of rent, ninety  
7 days' peaceable possession with the knowledge of the plaintiff  
8 after the cause of action accrues is a bar to such action.

9                                   DIVISION XI

10                           ABANDONED MOBILE HOMES

11     Sec. 46. Section 555B.3, Code 2022, is amended to read as  
12 follows:

13     **555B.3 Action for abandonment — jurisdiction.**

14     A real property owner not requesting notification by the  
15 sheriff as provided in [section 555B.2](#) may bring an action  
16 alleging abandonment in the court within the county where the  
17 real property is located ~~provided that there is no lien on~~  
18 ~~the mobile home or personal property other than a tax lien~~  
19 ~~pursuant to [chapter 435](#).~~ The action shall be tried as an  
20 equitable action. Unless commenced as a small claim, the  
21 petition shall be presented to a district judge. Upon receipt  
22 of the petition, either the court or the clerk of the district  
23 court shall set a date for a hearing not later than fourteen  
24 days from the date of the receipt of the petition, except where  
25 there is a lien on the mobile home or personal property other  
26 than a tax lien, the court or the clerk of the district court  
27 shall set a date for a hearing no sooner than twenty-five days  
28 from the date of the receipt of the petition so as to allow for  
29 service on the lienholder.

30     Sec. 47. Section 555B.4, Code 2022, is amended by adding the  
31 following new subsections:

32     NEW SUBSECTION. 4. If a lien other than a tax lien exists  
33 on the mobile home or personal property at the time an action  
34 for abandonment is initiated, the personal service pursuant  
35 to the Iowa rules of civil procedure shall be made upon the

1 lienholder no less than twenty days before the hearing. The  
 2 notice to the lienholder shall describe the mobile home and  
 3 shall state the docket, case number, date, and time at which  
 4 the hearing is scheduled, and the lienholder's right to assert  
 5 a claim to the mobile home at the hearing. The notice shall  
 6 state that failure to assert a claim to the mobile home within  
 7 the judicial proceedings is deemed a waiver of all rights,  
 8 title, claims, and interest in the mobile home and deemed to  
 9 be consent to the sale or disposal of the mobile home. If  
 10 personal service cannot be completed in time to give the  
 11 lienholder the minimum notice required by this subsection, the  
 12 court may set a new hearing date.

13 NEW SUBSECTION. 5. In the event a tenant who was sole owner  
 14 of a mobile home dies during the term of the rental agreement  
 15 resulting in the mobile home being abandoned, service shall be  
 16 made in accordance with section 562B.10, subsection 7.

17 Sec. 48. Section 555B.8, subsections 2 and 3, Code 2022, are  
 18 amended to read as follows:

19 2. If Except as otherwise ordered by the court, if the  
 20 mobile home owner or other claimant asserts a claim to the  
 21 property, the judgment shall be satisfied before the mobile  
 22 home owner or other claimant may take possession of the mobile  
 23 home or personal property.

24 3. If no claim is asserted to the mobile home or personal  
 25 property or if the judgment is not satisfied at the time of  
 26 entry, an order shall be entered allowing the real property  
 27 owner to sell or otherwise dispose of the mobile home and  
 28 personal property pursuant to [section 555B.9](#). If Except as  
 29 otherwise ordered by the court, if a claimant satisfies the  
 30 judgment at the time of entry, the court shall enter an order  
 31 permitting and directing the claimant to remove the mobile home  
 32 or personal property from its location within a reasonable time  
 33 to be fixed by the court. The court shall also determine the  
 34 amount of further rent or storage charges to be paid by the  
 35 claimant to the real property owner at the time of removal.

1     Sec. 49. Section 555B.9, subsections 1, 2, and 4, Code 2022,  
2 are amended to read as follows:

3     1. Pursuant to an order for disposal under section 555B.8,  
4 subsection 3, the real property owner shall dispose of the  
5 mobile home and personal property by public or private sale in  
6 a commercially reasonable manner. If the personal property  
7 owner, lienholder, or other claimant has asserted a claim  
8 to the mobile home or personal property within the judicial  
9 proceedings, that person shall be notified of the sale by  
10 restricted certified mail not less than five days before the  
11 sale. The notice is deemed given upon the mailing. The real  
12 property owner may buy at any public sale, and if the mobile  
13 home or personal property is of a type customarily sold in  
14 a recognized market or is the subject of widely distributed  
15 standard price quotations, the real property owner may buy at a  
16 private sale.

17     2. A sale pursuant to [subsection 1](#) transfers to the  
18 purchaser for value, all of the mobile home owner's rights  
19 in the mobile home and personal property, and discharges the  
20 real property owner's interest in the mobile home and personal  
21 property, ~~and~~ any tax lien, and any other lien. The purchaser  
22 takes free of all rights and interests even though the real  
23 property owner fails to comply with the requirements of this  
24 chapter or of any judicial proceedings, if the purchaser acts  
25 in good faith.

26     4. Notwithstanding [subsections 1 through 3](#), the real  
27 property owner may propose to retain the mobile home and  
28 personal property in satisfaction of the judgment obtained  
29 pursuant to [section 555B.8](#). Written notice of the proposal  
30 shall be sent to the mobile home owner, lienholder, or other  
31 claimant, if that person has asserted a claim to the mobile  
32 home or personal property in the judicial proceedings. If  
33 the real property owner receives objection in writing from  
34 the mobile home owner, lienholder, or other claimant within  
35 twenty-one days after the notice was sent, the real property

1 owner shall dispose of the mobile home and personal property  
 2 pursuant to [subsection 1](#). If no written objection is received  
 3 by the real property owner within twenty-one days after the  
 4 notice was sent, the mobile home and personal property may be  
 5 retained. Retention of the mobile home and personal property  
 6 discharges the judgment of the real property owner, and any tax  
 7 lien, and any other lien.

8 Sec. 50. Section 555B.9, subsection 3, Code 2022, is amended  
 9 by adding the following new paragraph:

10 NEW PARAGRAPH. 0c. Third, to satisfy any other lien  
 11 for which a claim was asserted pursuant to section 555B.4,  
 12 subsection 4.

13 Sec. 51. Section 562B.10, subsection 7, Code 2022, is  
 14 amended to read as follows:

15 7. a. If a tenant who was sole owner of a mobile home dies  
 16 during the term of a rental agreement then that person's heirs  
 17 at law or legal the personal representative of the decedent's  
 18 estate, or the landlord shall have the right to cancel the  
 19 tenant's lease by giving sixty days' written notice to the  
 20 person's heirs at law or legal the personal representative  
 21 of the decedent's estate, or to the landlord, whichever  
 22 is appropriate, and the heirs at law or the legal personal  
 23 representative of the decedent's estate, shall have the same  
 24 rights, privileges and liabilities of the original tenant,  
 25 provided that such heirs at law and personal representative  
 26 of the estate shall not have the right to occupy or otherwise  
 27 use the home or mobile home space as a tenant unless approved  
 28 by the landlord as a tenant. In the event the landlord,  
 29 after such a written notice is given and the tenant's lease  
 30 is canceled, brings an action for forcible entry and detainer  
 31 or action for abandonment, the estate of the tenant and the  
 32 person's located heirs at law or personal representative shall  
 33 be named as defendants in the action. The landlord may serve  
 34 notice upon such defendants pursuant to the method set forth  
 35 in section 562B.27A, subsection 1, paragraph "c", or by mailing

1 notice by both regular mail and certified mail, as defined in  
2 section 618.15, to the defendant's last known address.

3 b. (1) If a tenant who was sole owner of a mobile home dies  
4 during the term of a rental agreement resulting in the mobile  
5 home being abandoned as provided in section 562B.27, subsection  
6 1, and the landlord cannot, despite due diligence, locate such  
7 a tenant's heirs at law or personal representative, then the  
8 landlord may bring an action for abandonment as provided in  
9 section 555B.3, naming as defendants the estate of the tenant  
10 and all unknown heirs at law of the tenant, and, upon the  
11 landlord's filing of an affidavit that personal service cannot  
12 be had on any heirs at law, personal representative, or estate  
13 of the tenant, the court shall permit original notice of such  
14 action to be served by publication pursuant to subparagraph  
15 (2).

16 (2) Publication of original notice shall be made once each  
17 week for three consecutive weeks in a newspaper of general  
18 circulation published in the county where the petition is  
19 filed, pursuant to the Iowa rules of civil procedure. Service  
20 is complete after the third consecutive weekly publication.

21 (3) In the event any tax lien or other liens exist on  
22 the mobile home, the landlord may proceed with an action for  
23 abandonment as provided in section 555B.3, except that the  
24 notice shall be provided to the county treasurer as provided  
25 in section 555B.4, subsection 3, if a tax lien exists, and  
26 personal service pursuant to the Iowa rules of civil procedure  
27 shall be made upon any lienholder no less than twenty days  
28 before the hearing. Any notice to a lienholder shall state  
29 that failure to assert a claim to the mobile home is deemed a  
30 waiver of all rights, title, claims, and interest in the mobile  
31 home and is deemed consent to the sale or disposal of the  
32 mobile home. If personal service upon the lienholder cannot  
33 be completed in time to give the lienholder the minimum notice  
34 required by this subsection, the court may set a new hearing  
35 date.

1 EXPLANATION

2 The inclusion of this explanation does not constitute agreement with  
3 the explanation's substance by the members of the general assembly.

4 This bill relates to property law, including mobile homes  
5 and manufactured housing, rental agreements, landlord and  
6 tenant remedies for retaliation, wrongful failure to provide  
7 essential services, rent increases, the sale of manufactured  
8 home community or mobile home park, the repeal of the  
9 manufactured home community and mobile home tax, forcible entry  
10 and detainer actions, and abandoned mobile homes.

11 DIVISION I — RETALIATION. The bill provides that a landlord  
12 cannot retaliate against a tenant for exercising the rights and  
13 remedies under Code chapter 216 (civil rights commission). In  
14 an action by or against the tenant, evidence of a complaint  
15 within one year prior to the alleged act of retaliation creates  
16 a presumption that the landlord's conduct was in retaliation.

17 DIVISION II — RENTAL AGREEMENTS. The bill defines "rent"  
18 to include base rent, utilities, late fees, and other payments  
19 made by the tenant to the landlord under the rental agreement.  
20 Written notice to cancel a rental agreement by either party  
21 must be provided 90 days prior to cancellation. The landlord  
22 must provide written notice 90 days prior to a rent increase  
23 effective date. This division is effective upon enactment and  
24 applies to rent increase first noticed under Code chapter 562B  
25 (manufactured home communities or mobile home parks residential  
26 landlord and tenant law) occurring on or after the effective  
27 date of the division.

28 DIVISION III — DISCLOSURE OF UTILITY CHARGES. The bill  
29 provides that tenants shall be notified of any increase  
30 in utility rates or charges in writing 60 days before the  
31 effective date of the increase, unless the landlord does not  
32 receive at least 90 days' prior notice of such increase from  
33 the utility provider. A landlord is authorized to meter a  
34 premises and to assess a utility charge to the tenant unless  
35 doing so would be contrary to applicable law, rule, or tariff.

1     DIVISION IV — WRONGFUL FAILURE TO PROVIDE ESSENTIAL  
2 SERVICES. The bill provides that if the landlord deliberately  
3 or negligently fails to supply running water or other essential  
4 services, the tenant may give written notice to the landlord  
5 specifying the breach and may do one of the following: (1)  
6 procure reasonable amounts of water or other essential  
7 services, (2) recover damages based upon the diminution  
8 in the fair market value of the mobile home space, or (3)  
9 recover any rent already paid for the period of the landlord's  
10 noncompliance unless the condition was caused by the deliberate  
11 or negligent act or omission of the tenant, a member of  
12 the tenant's family, or other person on the premises with  
13 the consent of the tenant. This division is effective upon  
14 enactment.

15     DIVISION V — DENIAL OF RENTAL OR REFUSAL OF SALE. Current  
16 law allows a landlord the right to approve the purchaser of  
17 a mobile home as a tenant when a current mobile home park  
18 resident sells the mobile home, so long as permission is not  
19 unreasonably withheld. The bill provides that if the landlord  
20 does not approve a purchaser as a tenant, the landlord shall  
21 provide the purchaser with written notice of such denial and  
22 the general reason for the denial.

23     DIVISION VI — PROHIBITED RENTAL AGREEMENT PROVISION — HOME  
24 EQUIPMENT. The bill provides that a rental agreement shall  
25 not allow a landlord to modify the mobile home, manufactured  
26 home, or modular home in a way that would substantially  
27 impair the ability of the tenant to move the home from the  
28 mobile home space, unless such modification is required  
29 by federal law, by state or local law, the manufacturer's  
30 installation instructions, any requirement arising from the  
31 landlord's financing of the home or of the mobile home park or  
32 manufactured home community in which the home is located, or  
33 unless such modification is otherwise necessary for the safe  
34 and proper installation of the home.

35     DIVISION VII — LANDLORD SALES. The bill provides that any



1 sale of a mobile home located in a manufactured home community  
2 or mobile home park by a landlord or landlord's agent shall be  
3 by written agreement and the landlord shall, upon the buyer's  
4 fulfillment of all payment and other terms under the agreement,  
5 produce and assign the current certificate of title obtained  
6 from the department of transportation. The agreement shall  
7 state the basic terms of sale. If a sale does not comply, the  
8 court may award monetary or equitable relief, including voiding  
9 the sale, and the buyer may recover damages incurred, amounts  
10 paid as a rental deposit in excess of two months' rent, and  
11 reasonable attorney fees.

12 DIVISION VIII — SALE OF MANUFACTURED HOME COMMUNITY  
13 OR MOBILE HOME PARK. The bill provides that in a sale of  
14 a manufactured home community or mobile home park, upon  
15 termination of the landlord's interest in the manufactured  
16 home community or mobile home park, the landlord's successor  
17 in interest shall have the same legal obligations, rights,  
18 and remedies of the landlord, including with respect to all  
19 rental agreements. This division applies to manufactured  
20 home community or mobile home park sales made on or after the  
21 effective date of the bill.

22 DIVISION IX — MANUFACTURED AND MOBILE HOME TAX. Code  
23 chapter 435 imposes a square footage tax on mobile homes and  
24 manufactured homes placed in a mobile home park or manufactured  
25 home community. Division IX strikes the portions of Code  
26 chapter 435 imposing the square footage tax and provides  
27 instead that such homes are exempt from property tax. However,  
28 the bill does not modify the provisions of law governing  
29 the taxation of mobile homes and manufactured homes placed  
30 outside of manufactured home communities and mobile home parks,  
31 which are assessed and taxed in the same manner as other real  
32 property.

33 Division IX also makes corresponding changes to several  
34 other provisions of law that relate to Code chapter 435.

35 Division IX of the bill applies to taxes due and payable

1 under Code chapter 435 in fiscal years beginning on or after  
2 July 1, 2022. Division IX of the bill does not affect the  
3 operation of, or prohibit the application of, prior provisions  
4 of Code chapter 435, or rules adopted to administer prior  
5 provisions of Code chapter 435, for taxes due and payable in  
6 fiscal years beginning before July 1, 2022, and for duties,  
7 powers, protests, appeals, proceedings, actions, or remedies  
8 attributable to taxes due and payable under Code chapter 435 in  
9 fiscal years beginning before July 1, 2022.

10 DIVISION X — FORCIBLE ENTRY AND DETAINER. The bill provides  
11 the setting of the initial hearing in a forcible entry and  
12 detainer action is not a jurisdictional requirement and does  
13 not affect the court's subject matter jurisdiction to hear the  
14 action for forcible entry and detainer. In computing time for  
15 completion of service for a forcible detainer and entry action,  
16 the first day shall be excluded and the final day shall be  
17 included regardless of whether the fourth day is a Saturday,  
18 Sunday, or federal holiday.

19 The bill provides that for an action based upon the  
20 nonpayment of rent, 90 days' peaceable possession with the  
21 knowledge of the plaintiff after the cause of action accrues  
22 is a bar to such action.

23 DIVISION XI — ABANDONED MOBILE HOMES. The bill provides  
24 that in an action for abandonment, except when there is a lien  
25 on the property other than a tax lien, the court shall set a  
26 hearing no sooner than 25 days of the date of receipt of the  
27 petition to allow service on the lienholder.

28 The bill provides that if a lien other than a tax lien  
29 exists on the mobile home or personal property at the time  
30 an action for abandonment is initiated, the personal service  
31 shall be made upon the lienholder no less than 20 days before  
32 the hearing. The notice to the lienholder shall describe the  
33 mobile home and shall state the docket, case number, date, and  
34 time at which the hearing is scheduled, and the lienholder's  
35 right to assert a claim to the mobile home at the hearing.

1 The notice shall state that failure to assert a claim to the  
2 mobile home within the judicial proceedings is deemed a waiver  
3 of all rights, title, claims, and interest in the mobile home  
4 and deemed to be consent to the sale or disposal of the mobile  
5 home. If personal service cannot be completed in time to give  
6 the lienholder the minimum notice, the court may set a new  
7 hearing date.

8 The bill provides that in the event a tenant who was sole  
9 owner of a mobile home dies during the term of the rental  
10 agreement resulting in the mobile home being abandoned, then  
11 that person's heirs or legal representative or the landlord  
12 shall have the right to cancel the tenant's lease by giving  
13 60 days' written notice to the person's heirs or legal  
14 representative or to the landlord, whichever is appropriate,  
15 and the heirs or the legal representative shall have the same  
16 rights, privileges and liabilities of the original tenant.

17 The bill provides that if a claimant that asserts a claim  
18 to the property, the judgment shall be satisfied before  
19 the claimant may take possession of the property except as  
20 otherwise ordered by the court. Unless the court otherwise  
21 provides, if a claimant satisfies the judgment at the time of  
22 entry, the court shall enter an order allowing the claimant  
23 to remove the property from its location, and the court shall  
24 direct the amount of rent or storage charged.

25 The bill provides that in a proceeding for disposal of  
26 property, if a lienholder or other claimant asserts a claim to  
27 the property within a judicial proceeding, that person shall  
28 be notified of the sale by restricted certified mail not less  
29 than five days before the sale. A sale made after the notice  
30 is provided shall discharge any lien. The real property owner  
31 may propose to retain the mobile home and personal property in  
32 satisfaction of the judgment by written notice of the proposal  
33 sent to the mobile home owner, lienholder, or other claimant,  
34 if that person has asserted a claim to the mobile home or  
35 personal property in the judicial proceedings. If the real

1 property owner receives objection in writing from the mobile  
2 home owner, lienholder, or other claimant within 21 days after  
3 the notice was sent, the real property owner shall dispose of  
4 the mobile home and personal property. If no written objection  
5 is received by the real property owner, the mobile home and  
6 personal property may be retained. Retention of the mobile  
7 home and personal property discharges the judgment of the real  
8 property owner, any tax lien, and any other lien.

9 Current law provides that any proceeds in a proceeding for  
10 the disposal of a mobile home and personal property shall be  
11 distributed in the following order: (1) to satisfy the real  
12 property owner's judgment, (2) to satisfy any tax lien, and (3)  
13 into a surplus which is held by the real property owner for  
14 six months to be reclaimed by the mobile home owner, and if  
15 the mobile home owner fails to claim the surplus, the surplus  
16 may be retained by the real property owner. The bill provides  
17 that after using proceeds to satisfy a tax lien, the proceeds  
18 must be used to satisfy any other lien, and then any remaining  
19 amounts are the surplus.

20 The bill provides that if a tenant who was sole owner of a  
21 mobile home dies during the term of a rental agreement, then  
22 that person's heirs at law or the personal representative  
23 of the decedent's estate, or the landlord shall have the  
24 right to cancel the tenant's lease by giving 60 days'  
25 written notice to the person's heirs at law or the personal  
26 representative of the decedent's estate, or to the landlord,  
27 whichever is appropriate, and the heirs at law or the personal  
28 representative of the decedent's estate shall have the same  
29 rights, privileges, and liabilities of the original tenant,  
30 provided that such heirs at law or personal representative of  
31 the estate shall not have the right to occupy or otherwise  
32 use the home or mobile home space as a tenant unless approved  
33 by the landlord as a tenant. In the event the landlord,  
34 after such a written notice is given and the tenant's lease  
35 is canceled, brings an action for forcible entry and detainer

1 or action for abandonment, the estate of the tenant and the  
2 person's located heirs at law or personal representative shall  
3 be named as defendants in the action. The landlord may serve  
4 notice upon such defendants pursuant to the method set forth in  
5 Code section 562B.27A or by mailing notice by both regular mail  
6 and certified mail to the defendant's last known address.

7 The bill provides that if a tenant who was sole owner of  
8 a mobile home dies during the term of a rental agreement  
9 resulting in the mobile home being abandoned and the landlord  
10 cannot locate such a tenant's heirs at law or personal  
11 representative, then the landlord may bring an action for  
12 abandonment naming as defendants the estate of the tenant  
13 and all unknown heirs at law of the tenant, and, upon the  
14 landlord's filing of an affidavit that personal service cannot  
15 be had on any heirs at law, personal representative, or estate  
16 of the tenant, the court shall permit original notice of  
17 such action to be served by publication once each week for  
18 three consecutive weeks in a newspaper of general circulation  
19 published in the county where the petition is filed. Service  
20 is complete after the third consecutive weekly publication.

21 The bill provides in the event any tax lien or other liens  
22 exist on the mobile home, the landlord may proceed with an  
23 action for abandonment with notice provided to the county  
24 treasurer if a tax lien exists, and personal service upon any  
25 lienholder no less than 20 days before the hearing. Any notice  
26 to a lienholder shall state that failure to assert a claim  
27 to the mobile home is deemed a waiver of all rights, title,  
28 claims, and interest in the mobile home and is deemed consent  
29 to the sale or disposal of the mobile home. If personal  
30 service upon the lienholder cannot be completed in time to give  
31 the lienholder the minimum notice required by the bill, the  
32 court may set a new hearing date.